

EXHIBIT 17



NEIGHBORHOODS

Ash-Blond Ambition

by RIVKA GEWIRTZ LITTLE

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Zealot. Crusader. Probably not labels that former chief of the Manhattan District Attorney's Sex Crimes Unit Linda Fairstein would use to describe herself. Her preferred image is more likely the jacket-copy version of her career used to tout her bestselling mystery paperbacks (usually accompanied by an ultra-blond, airbrushed photo), which describes Fairstein as the "famed" prosecutor best known for her involvement in trying the "Preppie Murder" and Central Park jogger cases. But that might not sell books these days.

Following a confession to the Central Park attack by imprisoned serial rapist Matias Reyes, whose DNA links him to the brutal crime, the jogger case seems to be cracking open to reveal prosecutorial failures. Worse, this appears to be the third flub of a major case from the glory days of a prosecutor who was once a Clinton administration candidate for United States Attorney General and who is still considered by some a contender to replace current district attorney Robert Morgenthau should he retire.

The first case to come apart was that of the former gastroenterologist Patrick Griffin, who was convicted in 1996 of oral sodomy on a sedated patient during a colonoscopy and sentenced to up to 10 years in prison. His conviction was overturned in 1998 and he was acquitted in retrial in 2000 after judges ruled that crucial evidence was withheld. After a retrial, he was acquitted, but not before losing his medical license, which he has yet to regain.

Then came Oliver Jovanovic, the Columbia University microbiology Ph.D. candidate, dubbed the “cybersex” attacker, who was convicted and sentenced to 15 years to life in prison for kidnapping and sexually torturing a Barnard undergraduate. After he served nearly two years of his prison term, an appeals court overturned his conviction in 1999, again saying that crucial evidence was withheld during the trial that could have shown Jovanovic and his accuser had a consensual sadomasochistic relationship, or that she simply fabricated the story. Morgenthau dismissed the case before a pending retrial in 2001.

As for the five men who were convicted in the Central Park case as teens and literally grew up in jail, Morgenthau says he may vacate the charges because evidence of a previous rape by Reyes two days before the jogger attack should have been presented in court. But the accused are holding out for the results of a reinvestigation now being conducted by his office, in hopes that a declaration of innocence will wipe their names from all public records.

The men in all of these cases, who were convicted despite the existence of exculpatory evidence, still see Fairstein and her minions as either zealots or headline seekers, pursuing verdicts that would appease the outraged public. Jovanovic thinks Fairstein was also making literary hay from her cases.

“Each time one of these cases occurred, her books probably went flying off the shelves,” says Jovanovic. “She used what happened in that unit to make money, and that is wrong.” After all, her Alexandra Cooper mystery series is about a hard-nosed woman

prosecutor. While reviews never accuse her of great writing, and some complain of the “heavy-handed” use of shoptalk, she earned, according to *The New York Times*, \$2.5 million in sales by 1999. In the period between the 1989 jogger case and the 1998 cybersex trial, Fairstein produced two books, both of which were bestsellers.

Fouling cases, though, is still not part of her reputation. Even some former colleagues who admit a personal distaste for her tendency to flaunt her wealth say she is a skilled prosecutor with an eye for the truth. She has earned her stripes, having been one of seven women to join a staff of 175 prosecutors in 1972 after being told by former D.A. Frank Hogan that the job was too “tawdry” for females. For nearly 30 years as an assistant district attorney Fairstein taught rough-and-tumble cops and prosecutors to treat sex crime victims with respect, and she advocated for rape shield laws prohibiting grilling women about their sex lives in court. Oddly enough, before the Jovanovic and Griffin cases, Fairstein even took on the very politically incorrect position of criticizing false accusers—which she describes in depth in her nonfiction opus, *Sexual Violence*.

“The question one might ask,” says one attorney who asked not to be named, “is how she turned megalomaniac” after her younger years when she had “an unyielding zest for prosecution.” According to several people close to the case, it was Fairstein’s ego and her quest for fame that drove her to elbow Assistant District Attorney Nancy Ryan out of the Central Park case. Ryan had originally been assigned the case because the jogger was expected to die, but Fairstein pushed the sex crime angle of the case and her division got it. Ryan is also considered a likely candidate for the D.A.’s seat. “Prosecutors fight for the big cases, that’s what they do,” says another lawyer, shrugging off the competition between the two women. Other critics have said Fairstein was overly zealous about the Central Park case to save face after personally prosecuting the preppe murder case, which ended in a deadlocked jury followed by a plea-bargained manslaughter charge.

While Fairstein appears to have been seeking power, she has plenty already. In the D.A.’s office, she moved into an important role quickly, and continued to build on that over the years. She summers on Martha’s Vineyard, where she has hobnobbed with the Clintons.

She is married to the extremely wealthy and influential Justin N. Feldman, a major player in the Democratic Party who sits on the character and fitness committee of the New York Supreme Court Appellate Division. Even one of the two attorneys appointed recently by the police department to independently review the Central Park case is a junior partner at Kronish Lieb Weiner & Hellman, where Feldman is a senior partner.

But those who accuse Fairstein of zealotry describe a passion that can go beyond maneuvering for power.

“She came bounding at me in the police station like some Joan of Arc crusader type,” recalls Sharonne Salaam of the first time she encountered Fairstein, at midnight in the police precinct where her son was being held for the Central Park jogger attack. “I had never seen anything like it.”

Fairstein believed she had her perps and, says Salaam, was willing to do anything necessary to prove it. Fairstein gruffly dismissed Yusef Salaam’s aunt and threatened his mentor, Brooklyn federal prosecutor David Nocenti, in refusing to let them see the teen while he was being interrogated. According to both Sharonne Salaam and Timothy Sullivan’s book on the case, *Unequal Verdicts*, Fairstein then called her husband to demand the home number of Nocenti’s then boss, Brooklyn U.S. Attorney Andrew Maloney, so she could get the young attorney fired. According to court records, Fairstein even tried to block Sharonne Salaam from interrupting the interrogation, despite Sharonne’s claims that Yusef was 15 and too young to be questioned without an adult. “They really wanted us to leave so they could complete their process,” says Salaam. “At one point, I was hyperventilating and I asked for water and Fairstein said there was just no water in the building. It was very strange.”

Fairstein’s behavior seemed so outrageous that in the 1993 appeals decision on Salaam’s case then appellate court judge Vito Titone specifically named her in his dissenting opinion and blasted the entire interrogation process. He recently told *Newsday*, “I was concerned about a criminal justice system that would tolerate the conduct of the

prosecutor, Linda Fairstein, who deliberately engineered the 15-year-old's confession. . . . Fairstein wanted to make a name. She didn't care. She wasn't a human."

Jovanovic had his own strange journey with Sex Crimes Unit prosecutors. He was kicked into a bizarre reality when Fairstein appeared at his arraignment, calling for bail to be set at \$500,000, likening him to Ted Bundy and invoking images of serial killer and cannibal Jeffrey Dahmer, saying Jovanovic had material about the murderer in his home. That evidence was never produced. Even stranger, Fairstein allegedly threatened to arrest Jovanovic's mother if she appeared at the arraignment, accusing her of destroying evidence. "I was half in shock during all of this," says Jovanovic, who believes Fairstein threatened his mother so that it would seem Jovanovic had no supporters at his arraignment.

The prosecutors' quest for convictions never wavered, even when there was no clear forensic evidence to prove any of these crimes. In the Central Park case, prosecutors never could link any of the five accused to DNA samples found at the scene. There was no physical evidence linking Jovanovic to his crime, and, in fact, while his accuser claimed she had been brutally attacked and left bleeding, there were only a few fading bruises later found. "If she [Fairstein] couldn't tell this was a false report, well, I am just shocked," says former New York City sex crimes detective John Baeza, who worked in defense of Jovanovic after leaving the force. Baeza said he had previously known Fairstein to be a "powerful woman" with "great judgment."

Griffin, the former head of internal medicine at St. Luke's-Roosevelt Hospital, who is now a researcher for a New Jersey pharmaceutical firm, wouldn't comment for this story, except to agree his ordeal was horrendous. But news accounts confirm that prosecutors were determined to prove his case despite an unusually large number of patients, physicians, and friends coming forth in his defense. They overlooked that the accuser had been angry with Griffin for refusing to testify for her in a civil landlord-tenant case. Prosecutors did, however, choose to take into evidence a tape secretly recorded by Griffin's accuser, who attempted to snag a confession. Prosecutors also

advertised an 800 number on the radio and in the *New York Post* for information about Griffin.

Fairstein would not return calls to the *Voice* and has commented little since Reyes confessed except to say there was not a rush to judgment in the Central Park case. Calls to a number of former prosecutors were not returned, and the D.A.'s office refused comment.

Though Fairstein retired from the D.A.'s office last spring, many attorneys agree that she still has devotees both in that office and among detectives. And according to some close to the case, the rivalry between her and Ryan, who is said to believe the Central Park Five were not linked to the crime, still exists.

But there is the possibility that Fairstein's power is beginning to diminish. She recently pressured producers at ABC's *Primetime* not to run a story featuring interviews with a few of the Central Park Five. ABC not only ran that show, but aired a clip of it on *Good Morning America*, which is co-anchored by Diane Sawyer, a longtime Fairstein friend who wrote praise for her first book. Of course, her staying power remains to be seen in February, when the D.A.'s office is scheduled to release its final decision on the Central Park case.

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